

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DERRICK S. WOY

)  
) 18-243  
)

v.

NANCY A. BERRYHILL

**MEMORANDUM ORDER**

In this action, Plaintiff has taken a pro se appeal from a decision of the Commissioner of Social Security. Pursuant to Order dated February 12, 2019, Plaintiff's Motion for Summary Judgment and supporting Brief were due by March 29, 2019. Plaintiff did not submit the required filings. On April 23, 2019, the Court entered an Order requiring Plaintiff to show cause why the case should not be dismissed, by May 23, 2019. In response, Joni R. Collins, who identifies Plaintiff as her son, submitted a letter statement docketed on May 10, 2019. A subsequent docket notation by the Court indicated that the letter statement would be treated as Plaintiff's Motion for Summary Judgment.


Before the Court is Defendant's Motion to Strike Plaintiff's response, on grounds that Ms. Collins is neither an attorney nor a party to this action. The Court notes no suggestion that Plaintiff is unable to pursue this appeal on his own behalf, due, for example, to incapacity. Previous filings in this proceeding appear to bear Plaintiff's signature. As Defendant correctly suggests, under such circumstances, Plaintiff's mother cannot pursue the appeal in Plaintiff's stead. While the letter will not be stricken from the docket, it cannot be treated as Plaintiff's motion and brief.

Given Plaintiff's pro se status, the Show Cause Order deadline will be extended. No later than July 8, 2019, Plaintiff shall file a motion and brief. In that event, the

Defendant's Motion for Summary Judgment and Supporting Brief will be due thirty days after Plaintiff's filing.

If Plaintiff fails to file a motion and brief, or other pleading demonstrating why this case should not be dismissed, **this action will be dismissed with prejudice.**

BY THE COURT:

A handwritten signature in cursive script, reading "Donetta W. Ambrose", is written over a horizontal line.

Donetta W. Ambrose  
Senior Judge, U.S. District Court

Dated: 6/6/19